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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,549	03/22/2001	Steven A. Bade	AUS9-2000-0835-US1	6457

7590

07/12/2004

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EXAMINER

LIM, KRISNA

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 07/12/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

SR

Office Action Summary

Application No.

09/815,549

Applicant(s)

BADE ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2153

1. Claims 1-20 are presented for examination.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-²⁰~~8~~ are rejected under 35 U.S.C. § 103(a) as being unpatentable over MacDoran et al. [U.S. Patent No. 5,757,916].

4. MacDoran et al. disclose (e.g., see Figs. 1-5) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference discloses a method for controlling access from a remote client (112, of Fig. 1, remote user, abstract (line 2), col. 2, line 31) to a host server (150) that has predefined access parameters (attributes of state vector, col. 31 (lines 13-18)), comprising: a) determining an actual location of the remote client (e.g., see col. 2 (lines 9-11), col. 7 (lines 65-67)); and b) using the actual location of the remote client to control access to the host server based on the predefined access parameters (e.g., see col. 2 (lines 23-34), col. 6 (line 66) to col. 7 (line 1), col. 7 (lines 31-32), col. 31 (lines 1-20)).

5. While MacDoran et al. disclose a control software including processes (col. 2, line 64 to col. 3, line 28) for controlling access from a remote client (112, of Fig. 1, remote user, abstract (line 2), col. 2, line 31) to a host server (150) that has predefined access parameters, MacDoran et al. does not explicitly mention that this method is automatically performed. Since it is well known that the control software is used to automatically perform programmed operations by the processor, it would have been obvious to one of ordinary skill in the art to recognize that MacDoran's control software

Art Unit: 2153

including processes would have been obviously used to automatically perform operations.

6. As to claim 2, MacDoran et al. disclose the feature of control access to certain level (limit access) of data on the host server based on the remote client's actual location (e.g., see col. 7, lines 31-32).

7. As to claim 3, MacDoran et al. disclose the actual location of the remote client is determined by a global positioning satellite system (e.g., 101, col. 2, lines 30-40, col. 7, lines 31-32).

8. As to claims 4-5, MacDoran et al. disclose the 3D triangulation to provide latitudinal, longitudinal and elevational data to the remote client (e.g., see col. 2, lines 13-15, col. 4, line 67, col. 7, line 56).

9. As to claim 6, MacDoran et al. disclose the host server and the remote client operate in a networking environment (e.g., see Figs. 1-2, col. 2, lines 37-38).

10. As to claim 7, MacDoran et al. do not explicitly mention that their network is an extranet using a VPN with the Internet as the network communication channel. An extranet, VPN and Internet are well known network at the time the invention was made. Thus, it would have been obvious to one of ordinary skill in the art to recognize that such specific use of the network would have been a matter of choice.

11. As to claim 8, MacDoran et al. disclose the feature of preventing unauthorized access of data on the host server based on locations where access is not likely to occur by the remote client (e.g., see col. 7, line 41, col. 8, lines 26-37, 45-48).

12. Claims 9-20 are similar in scope as of claims 1-8, and therefore claims 9-20 are rejected for the same reasons set forth above for claims 1-8.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Krisna Lim whose telephone number is (703) 305-9672. The examiner can normally be reached on Monday-Friday from 7:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenton Burgess, can be reached at (703) 305-4772. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [glen.burgess@uspto.gov].

All Internet e-mail communication will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirement of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Office Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

KI

June 25, 2004



KRISNA LIM
PRIMARY EXAMINER